

**NEWBERG PLANNING COMMISSION MINUTES**  
**October 13, 2016, 7:00 PM**  
**PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

Vice Chair Cathy Stuhr called the meeting to order at 7:00 p.m.

**ROLL CALL**

Members Present:	Cathy Stuhr, Vice Chair	Gary Bliss
	Ron Wolfe	Jason Dale
	Patricia Watson	Philip Smith
	Miranda Piros, Student	

Members Absent: Allyn Edwards, Chair, Excused

Staff Present: Steve Olson, Senior Planner  
Jessica Pelz, Associate Planner  
Bobbie Morgan, Office Assistant II  
Jason Wuertz, Civil Engineer  
Doug Rux, Community Development Director

**PUBLIC COMMENTS:** None.

**CONSENT CALENDAR:**

Approval of the August 11, 2016 and September 8, 2016 Planning Commission Meeting Minutes

<p><b>MOTION:</b> Philip Smith/Gary Bliss moved to approve the August 11, 2016, and September 8, 2016, minutes with an amendment to page 1 of 3, inserting the word “be” after “Mr. Goldsmith thought he and his tenants would”. Motion carried (6 Yes/ 0 No).</p>
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**QUASI-JUDICIAL PUBLIC HEARING:** Vice Chair Cathy Stuhr called to order at 7:05 pm.

1. Columbia Estates Subdivision: Consider a subdivision tentative plan to divide a 3.06 acre site into 24 lots for single-family detached homes. The site is in the R-2 zone (medium density residential).

APPLICANT: Del Boca Vista, LLC

LOCATION: North of Columbia Dr., south of Lynn Dr. TAX LOTS: 3218AB-1700, -1701, -1702

FILE NO.: SUB2-16-002 ORDER: 2016-24

CRITERIA: Newberg Development Code sections: 15.235.060(A)

Call for abstentions, bias, ex parte contact, and objections to jurisdiction: None.

The legal announcement was read by Vice Chair Cathy Stuhr.

The staff report was presented by Senior Planner Steve Olson. This was an application for a 24 lot subdivision tentative plan for single family detached homes. The site was located north of Columbia Drive and south of Lynn Drive. The zoning was R-2, medium density residential. He described the site location. The site was 3.06 acres with a slight slope on the south side. It was currently vacant fields. There was single family residential to the north and east and to the south and west was rural residential. Access to the site was on Lynn Drive, which was a local street in the Transportation System Plan, and on Columbia Drive, which was a minor collector under Yamhill County jurisdiction. There was a water line and wastewater line in Lynn Drive that could serve the site and for stormwater there was a ditch on Columbia

that allowed the water to flow east to the creek. A nearby culvert was replaced for a previous subdivision which remedied the flooding issues in the area. At the annexation phase there were several conditions of approval placed on the property to be done at the time of development. One was that the applicant had to analyze the Highway 240 sewer pump station. The applicant did do a study and it was determined that the pump station had adequate capacity. A traffic study was also required looking at the Main and Lynn intersection and Columbia Drive intersection. It was determined that there would still be low traffic flow and no improvements were required. The applicant would have to dedicate right-of-way and build the new street going through the property as well as do half street improvements on Lynn and Columbia. Another condition was that the site was limited to 29 single family homes, and the applicant was proposing 24 homes. He then reviewed the subdivision criteria. The development was not to impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of the remainder. The phasing plan that was submitted would need to be revised to include the stormwater line and facility in Phase 1 and a hammerhead turnaround for fire trucks. For the R-2 zone, the minimum lot size was 3,000 square feet and the maximum lot size was 5,000 square feet. The applicant was proposing the average lot size of 3,900 square feet. The Code allowed lot size averaging and there was one lot that was just over 5,000 square feet, but that was allowed. The applicant made a change by increasing the size of the northern lots to be close to 5,000 square feet to match the adjacent lots. Each lot was at least 37 feet wide, which exceeded the requirement. There would be a new internal street which would be a standard width street with parking on both sides. There would also be half street improvements on Lynn Drive and Columbia Drive. The new street would have to meet the off-set requirements for Heritage Way. In this case it would 118 feet from center line to center line which was an adequate off-set. There were comments about a cul-de-sac working better but the developer was required to connect the street from Lynn to Columbia. He explained how the utilities would be extended to serve the site and how the sewer line had been revised to be five feet deeper than usual in the new street to allow gravity flow to all the lots, providing separation from the water line, and reducing the need for fill on the lots. Staff had concerns about the amount of fill on the site and controlling the water along the edges. The revised sewer line should resolve some of the issue. Many comments were received regarding the stormwater flowing to the ditch along the north side of Columbia to a nearby stream. One additional condition was added that the applicant would analyze the capacity of the downstream stormwater system along the north side of Columbia between the subdivision and the creek and submit a report to the City for review. Any downstream capacity issues would need to be repaired by the applicant. The improvements would need to be completed before the final plat would be approved. Another concern had to do with the water district line in Columbia. The applicant was aware of the line and would be cautious when doing construction. If there was damage, the applicant would repair it. There was a suggestion to prohibit construction traffic on Columbia, however it was not an enforceable condition and the applicant had to make frontage improvements on Columbia. Another concern was the fence to the east was interwoven with vegetation and might be damaged when it was cleared out. If it was damaged, the developer would have to repair it. There was also concern about the lot sizes; however they met the Code on that matter. The most common comment was that Columbia Drive was a narrow street and improvement on Columbia would happen as development occurred. There were concerns about parking, and the City required two parking spots per house. He thought there would be space for on street parking between driveways on both sides of the street. Staff recommended approval with conditions.

PC Gary Bliss asked if the City had an Intergovernmental Agreement with the water district.

Community Development Director Doug Rux said there were agreements between the City and water districts to use the water from the public lines for the private lines and districts. The line in Columbia was a private line and connected to the public line.

Public Testimony:

Applicant: Dan Danicic, Del Boca Vista, said this application would provide a new subdivision for Newberg that would meet future housing needs. Through the annexation process, the number of lots was reduced from 29 to 24 in response to the community concerns and he concurred with staff's direction to lower the sewer line in Lynn Drive. Because it would help off-set additional fill in the project, it was economically viable to lower the line. He hoped by lowering the line and reducing the fill it would allow for the project to be served by gravity, however the last few lots might require individual pumps. The initial fill was six feet and with the change it would only require three feet of fill. It would be nicer for the neighbors to have this reduction.

PC Gary Bliss asked what the seven foot wall around the detention pond would look like. Mr. Danicic responded the wall would be on the north and east sides of the pond. He intended to do an analysis on the ditch to make sure it could handle the stormwater. If there was not enough capacity, they could increase driveway culverts or put in pipe for the water.

PC Philip Smith clarified the applicant was giving away one of the lots to stormwater detention. That would be a holding area during storms and would slowly drain out to the ditch. The applicant was willing to do a study of the ditch and would do improvements, such as pipes, if required.

VC Cathy Stuhr said there was a lot of concern about potential run off draining into neighbor's lots. How could the neighbors be assured that this plan was going to prevent that situation? Mr. Danicic said he would grade the sites to get the flow into the stormwater system and staff would make sure they did everything possible to build the system to City standards.

PC Gary Bliss asked about current buildings encroaching on the property shown on the maps. Mr. Danicic responded the maps were based on the GIS layers provided by the City. The property lines were developed as one layer, and the aerial photography was another layer, and it was not uncommon for those to be off in accuracy by three to five feet. The GIS layers were meant to be general information, not design grade detailed information. There were no intrusions or overlaps of structures onto the property.

VC Cathy Stuhr said there was a bike lane gap on Columbia. Would he consider putting bike lanes on Columbia or leave room so it could be restriped at a later date? Mr. Danicic answered to accommodate a bike lane they could eliminate parking on the street. On one side there was a detention pond and no houses that would need a bike lane and the house on the opposite side would get access from the new street.

VC Cathy Stuhr said in the application it said planter strips were not applicable, but she thought they were. Mr. Danicic replied they did anticipate putting in planter strips along the new street.

Proponents: None.

Opponents and Undecided:

William Haines, Newberg resident, was opposed to the development for the reasons stated in a letter he submitted on October 4. He had additional questions after reviewing the staff report. If someone wanted to request a continuance of the hearing for additional evidence, would that be allowed?

CDD Rux responded an individual could ask for the record to be left open for seven days which would allow the opportunity to provide additional comments and then there would be an additional seven days to allow the applicant to submit information in response. That would continue the hearing and it would come back to the Planning Commission on November 10. He explained the 120 day rule and how if this went to the City Council, it would be before the Council in January.

Mr. Haines discussed the new sewer line design and reduction of fill, was that a requirement or were there other alternatives the developer could do?

PC Philip Smith replied staff was recommending to make it a condition of approval. SP Olson said the Planning Commission would decide if it would be a condition, and it was contingent on the engineering being viable for the design.

Mr. Haines said the three foot fill would be at the back of his property and he was concerned about the run off from rooftops even if the lots were graded. He asked if there was damage to his property or house, what recourse would he have? VC Cathy Stuhr thought that was a conversation to have with staff at a later time.

Mr. Haines thought the traffic study only addressed the need for a traffic signal or stop sign at certain intersections and did not address the increased traffic along Columbia Drive and how the roadway was currently used for walking and biking. It was a safety concern as it was a narrow road.

Oliver Hall, Newberg resident, lived nearby this site. He was concerned about the conditions of approval not being met. He was also concerned about potential development activity's damage to the underground water pipes. There might already have been damage due to the delivery of a bulldozer to the site in the summer. The existing neighborhood should not have to pay for any damage. At a minimum there should be a bond against any damages and if a bond could not be issued, he recommended restricted access to Lynn Drive. He was concerned about the condition stating at the time of development a detailed analysis of the Highway 240 pump station was required. He thought the analysis done by the applicant was not accurate or detailed enough. The applicant used the gallons per capita per day from the City of Newberg's 2007 Sanitary Master Plan for R-2 zoning as a basis for most calculations and comparisons. The minimum lot size for R-2 in 2007 was 5,000 square feet and that was changed in 2009 to the current 3,000 square feet minimum. This created more homes per acre and more gallons per capita per day. There was also a lack of clarity as these numbers were summarized as gallons per minute. A gallons per minute rate was saying the gallons per capita per day were equally disbursed evenly over every minute of a day, and that was not how water flow worked. A more detailed peak flow analysis needed to be done. The current peak flow for the pump station showed a peak flow of greater than 80% of current capacity. With potentially 66 or more people adding to the load, the question was at which minute would the capacity be exceeded. There was also a safety issue on Columbia, stormwater drainage issues, and traffic issues regarding parking.

Maureen Rogers was representing the water district. She did ask in a letter she submitted to the City that a bond be required. This was a small water district and if the construction caused a leak it would be costly in lost water and there would be no recourse to get the money back. The pipes were old and she would like it if the applicant replaced the water line. She did not think Columbia would be able to handle the amount of increased traffic due to the narrowness of the road. It was hard for two cars to pass each other and there was no safe place to walk. She thought a cul-de-sac would solve that problem.

PC Philip Smith asked what a reasonable way forward would be as Columbia was a minor collector. Ms. Rogers said the road needed to be improved, but it was being done piecemeal. If all of the cars and children were going to be allowed on the street, the street needed to meet the need or it should not be connected.

VC Cathy Stuhr asked about pedestrians having no place to get out of the way of traffic because of the culvert. Ms. Rogers said there was no place to go if two cars were passing on the road. She clarified she was also speaking for Bill Rogers.

Michael Owen, Newberg resident, was also concerned about safety, not only on Columbia Drive but also at the intersection of Main and Columbia. As the City was growing, there were pockets being left unimproved and there were no adequate sidewalks for pedestrians. He appreciated the need for development, but it needed to be done in a mindful way to benefit the quality of life for the current

residents. He thought road improvements should not be the sole responsibility of the developer. It had been an issue for a while and it was only going to get worse.

Bruce Carvello, Newberg resident, said he did not get a notice of this hearing and lived within 500 feet of the site. He was concerned about the proposed lot sizes being smaller than the rest of the neighborhood. He proposed that within 500 feet the lots stay approximately the same size as those currently in the neighborhood. There was concern about property values going down due to the smaller lots. If the number of lots was reduced to 15, they could be 5,000 square foot lots and would still provide for bike lanes and safe traffic and parking and would decrease the amount of traffic in the area. Lower income families typically bought the smaller lots and both parents typically worked generating several trips per day. For the stormwater issues, he suggested increasing the lot sizes as well. He questioned whether the required number of parking spaces could be obtained, especially as it was hard to find on street parking now.

Ed Christie, Newberg resident, said his property abutted the project site. He had never been opposed to building houses on this property, but they needed to fit into the neighborhood. He was in favor of the sewer line design and less fill on the property. He asked that it be explained why the Commission had to vote yes on applications if they met all of the criteria.

PC Philip Smith stated if the developer met the criteria and laws, the Commission had to approve the application due to possible litigation. They could not ask the developer to pay for all of the improvements to Columbia Drive. It had to be proportional to the development. That was a Supreme Court decision.

Mr. Christie asked for a continuance of the hearing due to the need for clarification on the sanitary sewage issue.

PC Ron Wolfe also lived in this area and appreciated everyone's concerns. The Commission was restricted to the criteria in the Code and if an application met the criteria, they had to abide by it.

Mitsi Vondrachek, Newberg resident, lived on the east side of the proposed development. She was not opposed to development, but this was not the right development for the area as the surrounding lots were 5,000 square feet. It was also the wrong time for the development. She was concerned about the outlet onto Columbia. She thought a cul-de-sac would be acceptable due to the safety issues. She was also concerned about the detention pond and how if it did not work, her basement would flood. She wanted more clarification on the seven foot wall on the property line. She agreed the ditch needed to be analyzed as currently it was full of vegetation. There needed to be some assurance that the ditch and culvert under her property would get the water down to the creek. If the developer changed the plan for Phase 2 of the development, would adjacent property owners be notified?

PC Gary Bliss said if the application was approved, it would establish the design of the development. In order to make changes, the applicant would have to come back to the Planning Commission.

CDD Rux explained the public improvement process with City staff and process with the County regarding the ditch to meet all of the standards. There was no public notice of these processes. Final approval of the plat would have to be done by the City as well. If the applicant chose to modify the second phase, there was a modification process.

SP Olson explained the minor and major modification processes. If it was a major modification, it would come back to the Planning Commission and the neighbors would be notified.

Mike Brown, Newberg resident, was still concerned about the fill on the property and the run off. His property backed to the site and the fill would be right behind him and the water would run down into his backyard. He wanted the developer to be held accountable for erosion prevention. He thought the 3,000

square foot lots would impact Ms. Vondrachek's business. If it did impact her livelihood, it could not be undone later. He asked that the Commission consider that when they voted.

Laura Stone, Newberg resident, said she lived directly across from the new street. She asked if they would be notified if the amount of back fill was changed.

SP Olson responded the Commission would be continuing the hearing, and they could ask the applicant to provide additional information on the questions that were coming up.

Ms. Stone said there was not a stop sign on Lynn Drive and currently there was an issue with unsafe driving on Lynn as well as Main and Columbia. She thought all of the traffic from the new development would not be using Columbia, but would go directly in front of her house. She and her neighbors had kids and she was worried about safety. She thought a cul-de-sac would make more sense. She asked if people would be coming onto her property without her permission when development began. She was concerned that during construction she would not be able to get to her driveway as her driveway had been blocked before when they were doing case studies.

PC Gary Bliss responded they should not be entering her property without her permission. Blocking access to and from her property was not allowed and if it happened she could call the police.

PC Philip Smith asked if this development was built, was she expecting most of the traffic to go on Lynn Drive. Most of the neighbors were predicting it would go on Columbia. Ms. Stone did not think it would go on Columbia due to how narrow Columbia was. Lynn Drive was a double lane road and people would only hit one stop sign to get out of the neighborhood.

Written Correspondence: SP Olson presented a letter that was submitted after the deadline. There was consensus to accept the letter and the Commissioners took a couple of minutes to read it.

Applicant rebuttal: Dan Danicic responded to some of the issues that had been raised. Regarding the water line, they were required to do utility locates ahead of any construction and to work carefully around all existing utilities. Knowing the water district's concern they would give them the opportunity to come out to the site as they were working to show them where the line was. Regarding people entering private property, that happened during the surveying of the property and it was allowed with proper notice. As far as blocking property, with the condition of lowering the sewer line there would be impact to local access. They always gave notice through door hangers and police, fire, school district, trash, and postal services would be notified as well. There would be some closures, but there would be detours and safe passage through the construction zone. Regarding slope failure of the fill adjacent to properties, the engineering department would review and approve the design of the drainage and the applicant would provide a two year maintenance bond for any future repairs.

PC Gary Bliss clarified in the evening when construction was over, there would be access to the properties.

VC Cathy Stuhr asked about the detention pond and Ms. Vondrachek's property. Mr. Danicic replied he would have to look at the proximity of her basement to the pond. He did not think the geology would allow the water to back up through the subgrade unless her basement was directly adjacent. The geotechnical engineer would have to look at the permeability of the soil and if there was a concern, they could clay line the bottom of the pond to prevent seepage. He would make note of it and discuss it with staff.

PC Philip Smith clarified the City was requiring to build the street through instead of a cul-de-sac. Could they make a condition that it would not go through and a temporary cul-de-sac would be built until a certain level of development happened on Columbia Drive. Mr. Danicic confirmed the requirement was

for the street to go through. A temporary cul-de-sac would exceed the distance criteria and the City would have to accept a longer than standard cul-de-sac. He might lose another lot or two in that alignment.

VC Cathy Stuhr asked about the need for crossing the water line. Mr. Danicic said they had to do full frontage improvements and the line would be affected by construction. It might need to be lowered to be properly protected. He was willing to lower the line, but was concerned about potential failure of the line. He was willing to work with the district to protect the line.

PC Ron Wolfe asked for clarification on the two year maintenance bond. SP Olson explained the bonding for new public improvements that Mr. Danicic was proposing. He did not think a private stormline would be covered.

**MOTION: Philip Smith/Jason Dale** moved to keep the public testimony open until the November 10, 2016, Planning Commission meeting.

There was discussion on the list of information the Commission wanted the applicant to bring back.

PC Philip Smith wanted to know about the geology between the detention pond and the neighbor and if any protections needed to be made.

PC Gary Bliss thought the application was inadequate. More information was needed on the sanitary sewer design and if all the lots could be served by gravity, more details on Phase 1 and 2 such as where the drainage and fire truck turn around would go, the grading plan was in conflict with common drainage law, and the findings stated that the preliminary stormwater and sewer plans appeared to meet Code, and it should say they either did or did not meet the Code. The water line should be connected at both ends.

PC Jason Dale asked for specification on the drainage run off controls for adjacent properties.

PC Patricia Watson wanted clarification on the pump station capacity during peak hours and the seven foot wall around the detention pond.

PC Philip Smith wanted to see a grading plan revision to show the lots could meet the gravity fed requirements, cover requirements, and separation requirements.

Engineer Jason Wuertz said there were potential variances to those requirements, but at this time there was not enough information to know whether the variances were feasible. None were requested as part of the application. If Engineering variances were needed, they would be submitted for staff approval.

PC Gary Bliss thought the applicant needed to determine how to satisfy the Code with adequate information that could be reviewed and decided by the Commission.

PC Patricia Watson agreed more detail was needed and thought the Commission should give some direction for what should be brought back.

PC Gary Bliss said the developer could waive the 120 day deadline and thought the hearing should be continued to a longer date to give the applicant adequate time to gather the information requested.

PC Philip Smith withdrew his motion and PC Jason Dale withdrew his second.

**MOTION: Philip Smith/Jason Dale** moved to continue the hearing to the December 8, 2016, Planning Commission meeting.

**FRIENDLY AMENDMENT TO THE MOTION:** VC Cathy Stuhr moved to amend the motion to include a specific list of requests. The Planning Commission thought there was not enough detail within the application to make a decision. Additional information was requested on the following:

1. Geology of detention pond and potential impact to neighbors, and protections that are necessary. Show the design of the detention pond (is the wall above ground or set into the ground?).
2. Revised grading plan/sewer plan to gravity feed requirement, cover requirement and separation requirement. In particular, show the amount of fill needed on the site, and whether all lots can be served by gravity flow. State whether or not you will need to apply for Engineering variances.
3. Hwy 240 sewer pump station capacity analysis – explain existing capacity, and impact of development, in more detail.
4. Drainage report – verify if a signed/stamped copy is needed, and if so then supply a signed/stamped copy. If not needed then cite the ORS that explains that.
5. Phasing plan – Supply a detailed grading plan and utility plan for sewer, drainage and water in Phase 1. Show the phase 1 temporary turnaround for fire trucks.
6. Storm water system along property edges east and west – describe the system that will control the stormwater along the edges, or if not needed due to less fill then explain that.
7. Provide a statement that the applicant was willing to work with the water district to protect the water line;
8. Address the new condition recommended by staff: *“The applicant shall analyze the capacity of the downstream stormwater system (ditch and culverts) along the north side of Columbia Drive between the subdivision and the creek under Columbia Drive, and submit a report to the city. The applicant shall be required to repair any identified downstream capacity problems between the subdivision and the creek under Columbia Drive.”*

Motion carried (6 Yes/ 0 No).

**LEGISLATIVE PUBLIC HEARING:** Vice Chair Cathy Stuhr called the hearing to order at 9:53 pm.

1. Transportation System Plan – Consider adoption of a new Transportation System Plan and associated Comprehensive Plan and Development Code amendments, **PC Resolution 2016-322**. File No. CPTA4-11-001

Call for abstentions and objections to jurisdiction: None.

The staff report presentation was given by Associate Planner Jessica Pelz and Garth Appanaitis, DKS and Associates. This project was started in 2011. It was delayed for a year due to the amendments needed for the Bypass. Those were resolved, and they were at the adoption phase. There was an error in the project list pointed out by Stan Halle. Project BY22 should be changed from the Bypass/Wilsonville Road traffic signal to the new traffic signal at the Bypass and Highway 219.

Mr. Appanaitis explained the TSP needed to be adopted as it was a legislative requirement and for operational purposes of good planning and setting forth the vision for the community. The existing plan was ten years old and the first phase of the Bypass was now funded. There was no funding for the next phases. The key components of the Plan included multi-modal needs and community vision and planning how resources would be spent in the future over the next 20 years. Over the last five years they had looked at existing plans, coordinated with the Bypass effort, collected traffic data and other inventories, put together a list of existing needs, looked out to the year 2035 anticipating how much growth would occur and looked at alternatives to address the needs, and put together a list of projects which was broken into two sets, a comprehensive view of all projects the City needed and projects that could be funded over the



next 20 year horizon. Based on the current Comprehensive Plan's allowable land uses throughout the Urban Growth Boundary, they had projected growth out to the year 2035. It was projected households would double over the next 20 years. The Plan was operating under the requirement that it had to be financially feasible and the assumption was only the first phase of the Bypass would be constructed. Construction of the Bypass would relieve certain congested areas of the City. There would still be congestion east of Springbrook and between Highway 99W and Springbrook. There were placeholder projects that could mitigate some of the traffic impacts as they came up. One of the main components of the Plan was transportation standards including cross sections for roadways and functional classifications for City streets. Some small refinements were being made for the cross sections to be consistent with the drawings shown in the Plan. There were also funding projections based on historical and projected transportation funding coming from a number of sources. Some projects in the Plan were likely to be funded and there were projects that had the possibility for funding and having those projects in the Plan was important in case grants or other opportunities became available. Many of the projects were multi-faceted, served a number of needs, and had a number of components. He gave an overview of the roadway expansion projects, roadway standards projects, intersection improvement projects, pedestrian projects, and Bypass projects.

AP Pelz said staff recommendation was adoption of the resolution.

PC Gary Bliss asked about intersection operations and how Springbrook and Highway 99W would fail by 2035. He was told once Phase 1 of the Bypass was built, the likelihood of a vehicle reaching 99W on Springbrook getting through in one phase in 2017 was no problem. He found that hard to believe. What level of service would the intersection be when Phase 1 was done? Mr. Appanaitis responded the analysis did not look at 2017. They looked at the existing year without the Bypass in place and out to 2035. For the existing year, it was just meeting ODOT standards.

PC Gary Bliss said because it would take longer to go through the intersection, traffic would be diverted to local streets and there was an issue with the City being able to maintain current streets. Mr. Appanaitis said there was going to be more congestion and there were improvements to connections in the Plan that would provide parallel routes to help relieve some of the issues.

PC Gary Bliss could see a stacking problem occurring on 99W and it would not get better with the Bypass.

PC Philip Smith discussed the cost for the projects and how the City needed \$2 million per year to maintain the streets, but that cost was not reflected in the Plan. Mr. Appanaitis said they accounted for the ongoing operation and maintenance costs in the budget at about \$1 million. PC Philip Smith did not think that was enough.

#### Public Testimony:

Proponents: Stan Halle, Director of the Bypass Impact Committee for the Ladd Hill Neighborhood Association, was in favor of the Plan. In terms of future funding, the final Environmental Impact Statement (EIS) showed that the intersection of Springbrook and 99W was slated to fail soon after it opened. ODOT recognized that, but had no mitigation in the EIS for it. The hope was it would generate enough concern that it would push future funding for Phase 2 of the Bypass. The OTC passed a resolution allocating some funds for right-of-way acquisition for Phase 2 and the FAST Act included completion of the Bypass as a priority. The State and federal government needed to hear how the project needed to be finished. Until the traffic was taken off of Springbrook, local roads would be impacted. There would need to be traffic calming options for Fernwood and Renne Roads. While the tables in the TSP showed the condition in 2012 and projected condition in 2035, there was nothing for 2017 and several of the intersections were failing. There was concern about the condition of the intersections at the opening of the Bypass.

PC Gary Bliss said the next phase of the Bypass was not in ODOT's 20 year plan and acquiring right-of-way was still not putting something on the ground. He did not think it would be done in his lifetime.

Mr. Halle wanted to be optimistic regarding the future funding, but agreed there were a lot of hurdles to overcome.

Opponents and Undecided: Roy Gathercoal, Newberg resident, said there are many disabled residents in Newberg who did not have a good way to go from residential areas to City Hall, stores, or the library. There was an ADA Pedestrian and Bicycle Transportation Plan done in 2005, which designated some routes as highly critical to provide a minimum level of accessibility. He thought those routes were going to be completed within a few years and they were still not done. Elliot Road had been resurfaced and curb cuts were installed, but the sidewalk was still not completed as there was a gap about a block long with no sidewalk. He referenced the Barton vs. Sacramento case in 2002 which stated cities had a legal obligation to provide sidewalk access to people with disabilities. This TSP barely mentioned ADA accessibility and put sidewalk projects lower on the priority list. People with disabilities were not able to attend these meetings because public transportation ended at 7 pm. What they were hearing from the City was to stay home and there was not enough money in the budget to provide sidewalks. People with disabilities were tired of waiting for these improvements and nothing in the TSP addressed how these needs would be met.

PC Gary Bliss said there were sidewalks on south Elliot, but on north Elliot there was a lack of sidewalks and people had to cross in the middle of the street. There were tree roots on Haworth and the sidewalk was in disrepair. There was an ordinance stating the sidewalks fronting property were the responsibility of the property owners. Any sidewalks in poor condition should be identified by the City and the property owners should be notified. He thought it was a point well taken.

Robert Soppe, Newberg resident, said in the previous TSP, the cost for each project was broken out by who would be responsible. That had been superseded by the new tables that did not include this information. They could not decide if something was likely or aspirational without having a projection of who would fund it. There was a pie chart on Page 69 that showed the funding breakdown overall, but where the numbers were obtained was unclear as the details were left out. On Page 3 it said the comments had been addressed, but only some had been addressed and the majority of his had not. Also on Page 3 it said as of the writing of this report the City received no additional comments, and he had sent additional comments to staff on August 31. Regarding the project tables, it would have been helpful to know what changes had been made from the last presentation. It became even more difficult to identify changes when the totals on the previous tables were not accurate. On Page 72, project SO9, between the previous version and this version the estimate went from \$238,000 to \$2.1 million. On Page 73, projects S16, S28, and S42 were not listed as increasing capacity, but he thought they were. On Page 73 there used to be a project S19 and there was no comment as to why it was removed. On Page 74, project S27, the estimate was changed from \$270,000 to \$1.682 million. On Page 74, project S28, the estimate was changed from \$1.2 million to \$400,000. On Page 75, projects S30 and S31 were removed with no explanation. On Page 75, project S40, the estimate was changed from \$175,000 to \$1.2 million. On Page 74, project S42, the estimate was changed from \$135,000 to \$1.1 million. On Page 76, he did not think the project total was correct. On Page 286 under item 8, the word "infeasible" was used and he did not think that was a word. It should be "unfeasible." On Page 290, item 1, it referred to "whenever possible" and he had argued against using the word "possible" many times. He thought "practical" or "practicable" should be used instead. On Page 297, item C, it stated "no more than four lots may access one shared driveway" and he wondered why they referred to lots, not houses or buildings. It was an issue of access not ownership. On Page 305, item I, it stated "curb ramps should be required" which allowed for exceptions, but when would there be an exception to putting in curb ramps? On Page 307b, the word "encourage" needed to be joined to the sentence before it. On Page 314, Item O, it stated "special planning efforts shall be made to replace

affordable housing.” The displacement had been done for quite a while and he was wondering when the replacement would occur.

There was discussion regarding the difference in page numbers from the September 8 Commission packet and the current Commission packet. Mr. Soppe would correct the page numbers if necessary and would retract his comment that the City did not include his additional comments from August 31.

Mr. Soppe said when there was development around the hospital, the City was directed to respect the traffic modeling regarding how much traffic would divert from Brutscher to Providence Drive. In the case of the Bypass, the City was not using that traffic modeling but was waiting until after Phase 1 was completed to see what happened. It seemed like a poor engineering practice to him.

Close of Public Testimony: Vice Chair Cathy Stuhr closed the public testimony at 10:56 pm.

Final comments from Staff and recommendation: Mr. Appanaitis clarified there was funding set aside for Phase 2 of the Bypass for right-of-way acquisition which was reflected in the table in the TSP. Regarding project costs changing, the Plan had gone through a number of review iterations and some of the cost estimates had been updated to better reflect what they thought the cost would be. Some of the projects that were removed from the list were outside the UGB or projects that would be done by developers. The traffic operations in 2017 for the year of the Bypass opening was not included in the TSP analysis, but was included in the work for the Bypass and showed projected impacts to intersections especially on the east side of town. Regarding impacts to the east side of town when the Bypass opened, the projections had been modeled and since it would be a significant circulation change, they would have to see if the projections followed what actually happened when it opened. The projects in the TSP were identified to best address the estimated impacts on the roadway, but there was uncertainty and that was the reason for the placeholder projects to address the unforeseen items that came up.

AP Pelz appreciated the testimony regarding ADA access. The TSP assumed ADA was included as a component in all projects. Every project that would be constructed except for pavement maintenance would include ADA. Sidewalks were a City policy and budgeting issue which was outside the scope of the TSP.

PC Philip Smith thought they were making priorities in the TSP and recommendations could be made to Council regarding ADA access especially if the City’s Plan was in violation of federal law. He suggested the Council pick a percentage of how much to spend on ADA improvements per year. AP Pelz said the TSP identified there were pedestrian gaps and roadway deficiencies and those projects would need to be prioritized.

CDD Rux added the TSP was the overarching document and every year the Engineering Services Department put together a five year Capital Improvement Program and the Council approved the CIP. Those projects came out of the TSP and other City master plans. Staff was looking at the projects in the CIP based on funding available and there were often ADA pieces in the projects that sometimes were not done due to lack of funding.

VC Cathy Stuhr suggested the Mayor task the Transportation Safety Committee or a new committee to look at this issue further to meet ADA needs. AP Pelz thought that was a good idea. There was an ADA Pedestrian and Bicycle Plan that was adopted, but was never funded.

VC Cathy Stuhr said the aspirational plan in the TSP seemed ethereal and vague. She suggested adding how the aspirational projects could become a reality in the future by giving examples of how they might be funded. AP Pelz thought a sentence could be added with that description.

PC Ron Wolfe asked what could be done for sidewalks around town that were in woeful disrepair. CDD Rux replied property owners were required to maintain the sidewalks in front of their houses. It was common for people to get a permit to remove the street tree that was causing damage and replace the sidewalk panels which needed to be done within six months. The City did put in sidewalks when they were included in road improvement projects. The City was aware there were missing pieces of sidewalks and was trying to remedy those as funding became available.

Action by the Planning Commission:

**MOTION: Gary Bliss/Ron Wolfe** moved to continue the hearing to the November 10, 2016, Planning Commission meeting so staff could review the public comments made that night and make revisions as necessary. The motion passed (5 Yes/ 1 No [Philip Smith]).

**ITEMS FROM STAFF:**

1. The next Planning Commission meeting would be held on November 10, 2016.

**ITEMS FROM COMMISSIONERS:**

PC Gary Bliss asked if it was mandatory to have a pre-application meeting with the applicant and City Engineer. SP Olson replied for Type 2 applications they were not required, but that meeting often occurred as it was in the best interest of the applicant. They were required for Type 3 applications. CDD Rux said to require all Type 2 and Type 3 applications to have a pre-application meeting it would be a Development Code amendment.

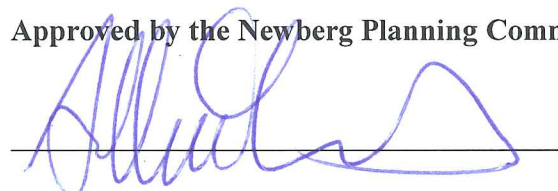
PC Gary Bliss said regarding sidewalk repair, it was expensive and no contractor wanted to do just one panel. He suggested staff pick out areas that needed replacement, notify the property owners, and hire a contractor to do the replacements.

CDD Rux said staff was discussing creating a sidewalk program.

VC Cathy Stuhr asked that the idea for an ad hoc committee be formed to discuss ADA issues be put on a future agenda.

VC Cathy Stuhr adjourned the meeting at 11:30 pm.

**Approved by the Newberg Planning Commission this November 10, 2016.**



Cathy Stuhr, Planning Commission, Vice Chair



Bobbie Morgan, Office Assistant II